

United States
Circuit Court of Appeals
For the Ninth Circuit.

SADIE COTTER,

Plaintiff in Error,

vs.

FRANK J. COTTER,

Defendant in Error.

Transcript of Record.

Upon Writ of Error to the United States District Court
of the Territory of Alaska, Third Division.

Filed

JAN 14 1915

F. D. Monckton,
Clerk.

United States
Circuit Court of Appeals
For the Ninth Circuit.

SADIE COTTER,

Plaintiff in Error,

vs.

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INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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Names and Addresses of Attorneys of Record.

*In the District Court for the Territory of Alaska,
Third Division.*

Messrs. LYONS & ORTON, 1102-1105 Alaska Bldg.,
Seattle, Washington,

Messrs. LYONS & RITCHIE, Valdez, Alaska,
Attorneys for the Plaintiff and Plaintiff in
Error.

Mr. S. O. MORFORD, Seward, Alaska,
Attorneys for the Defendant and Defendant in
Error. [2*]

*In the District Court for the Territory of Alaska,
Third Division, at Valdez.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Complaint.

The plaintiff complains of the defendant and for her cause of action against him alleges:

I.

That at all times hereinafter mentioned the Superior Court of the State of Washington, for the County of King, was a court of general jurisdiction over matters in equity and law, duly created and

organized by the laws of that State.

II.

That on the 27th day of January, 1913, the plaintiff commenced an action for divorce in said court against the defendant; that said defendant was duly served with process therein and on the 8th day of May, 1913, appeared in said action and submitted himself personally to the jurisdiction of the Court.

III.

That thereafter, and on the 14th day of May, 1913, such proceedings were had in said court and cause whereby a decree was duly given, made, entered, enrolled and docketed in said court in favor of the plaintiff, dissolving the bonds of matrimony which existed between the plaintiff and defendant.

IV.

That said decree further provided and ordered that the defendant pay to the plaintiff, as permanent alimony, the sum of Fifty Dollars (\$50.00) per month, the same to be paid on the 1st day of each and every month from the date of the entry of said decree.
[3]

V.

That said decree further provided that the defendant should pay certain outstanding indebtedness incurred by the plaintiff in the sum of Seven Hundred Fifty Dollars; that no part of same has been paid except the sum of One Hundred Twenty Dollars (\$120.00), and there is now due and owing from the defendant to the plaintiff the sum of Six Hundred Thirty Dollars (\$630.00), together with interest thereon at the rate of eight per cent (8%) per annum

from date until paid.

VI.

That the defendant has not paid said alimony or any part thereof, and there is now due and owing on account of the same, from the defendant to the plaintiff, the full sum of Six Hundred Fifty Dollars (\$650.00), together with interest thereon at the rate of eight per cent (8%) per annum from date until paid.

VII.

That the plaintiff has no property and is wholly dependent upon her own labor for her support, and much of the time since said decree was rendered she has been unable to procure employment, and has had much trouble in procuring the ordinary necessities of life.

VIII.

That no appeal has been taken by the defendant from the entry or provision of said decree, nor has the same been set aside or modified in any way and such decree and the whole thereof is now in full force and effect.

IX.

That said Superior Court for King County, in the State of Washington, is duly empowered and authorized under the laws of said State to grant permanent alimony, as provided by said decree,—a copy of the Statutes of the State of Washington relative thereto being as follows. and hereby made a part of this complaint:

“In granting a divorce, the Court shall also make such disposition of the property of the

parties as shall appear just and equitable, having regard to the relative merits of the parties and to the condition in which they shall be left by such divorce, and to the burdens imposed upon it for the benefit of the [1]. children, and shall make provision for the guardianship, custody, support and education of the children of such minor marriage.”

WHEREFORE, the plaintiff prays for judgment:

First: For the sum of Twelve Hundred Eighty Dollars (\$1280.00), together with interest thereon at the rate of eight per cent (8%) per annum from date until paid.

Second: That the defendant may be required to pay a reasonable sum of money into the Court to defray the expenses of this action and for counsel fees, and for such other and further relief as to the Court may seem just and proper in the premises, and for her costs and disbursements in this action.

JOHN LYONS and
E. E. RITCHIE,
Attorneys for Plaintiff.

United States of America,
Territory of Alaska,—ss.

I, John Lyons, being first duly sworn, depose and say: That I am one of the attorneys for the plaintiff in the foregoing action; that I have read the foregoing complaint, know the contents thereof and the same is true as I verily believe; that the reason I make this verification is because the plaintiff is not now a resi-

dent of the Territory of Alaska, and is not now in said Territory.

JOHN LYONS.

Subscribed and sworn to before me this 12th day of August, A. D. 1914.

[Notarial Seal] ANTHONY J. DIMOND,
Notary Public for Alaska.

My commission expires Mar. 13, 1917.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Aug. 13, 1914. Arthur Lang, Clerk. By Chas. A. Hand, Deputy. [5]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Demurrer.

Comes now the defendant in the above-entitled cause by his attorney, S. O. Morford, and demurs to the complaint on file herein, and for cause of demurrer states:

I.

That the Court has no jurisdiction of the subject matter of the action.

II.

That the plaintiff has no legal capacity to sue.

III.

That plaintiff's complaint does not state facts sufficient to constitute a cause of action against this defendant.

S. O. MORFORD,

Attorney for Defendant.

Service accepted this 9th day of October, 1914.

LYONS & RITCHIE,

Attys. for Plaintiff.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Oct. 9, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy. [6]

**[Order Sustaining Demurrer and Dismissing Cause,
etc.]**

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

ORDER ON DEMURRER.

This cause coming on regularly to be heard this 10th day of October, 1914, upon demurrer of defendant to complaint of plaintiff on file herein, plaintiff being represented by E. E. Ritchie, Esq., and defendant being represented by S. O. Morford, Esq., the Court, after hearing the arguments of respective

counsel, and being fully advised in the premises, hereby sustains defendant's demurrer as to all points therein raised, and does hereby order the dismissal of the action at plaintiff's costs, and the attachment herein issued dismissed, and the bondsmen exonerated.

Done in open court at Seward, this 16th day of October, A. D. 1914.

FRED M. BROWN,
Judge.

To which order plaintiff excepts and exception is allowed.

FRED M. BROWN,
Judge.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Oct. 16, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy.

Entered Court Journal No. 1, page No. 336. [7]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Bill of Exceptions.

Be it remembered that on the 13th day of August, 1914, the plaintiff commenced her action against the defendant by filing her complaint, upon the filing of

which said complaint, to wit, on the said 13th day of August, 1914, summons was duly issued out of the above-entitled court, which summons was thereafter duly served upon the defendant. On the 9th day of October, 1914, the defendant appeared, and filed a demurrer to said complaint, upon the following grounds, to wit:

First: That the Court has no jurisdiction of the subject matter of the action.

Second: That the plaintiff has no legal capacity to sue.

Third: That plaintiff's complaint does not state facts sufficient to constitute a cause of action against the defendant.

On the 10th day of October, 1914, at the October, 1914, term of said court at Seward, Alaska, this cause came on to be heard upon defendant's demurrer to plaintiff's complaint. Said demurrer was argued by S. O. Morford, counsel for defendant, and by E. E. Ritchie, counsel for plaintiff, and the Court took the same under advisement. Thereafter, on the 16th day of October, 1914, the Court rendered its decision, and entered the following order sustaining the demurrer and dismissing the action. (Here insert copy of order.) To which said order plaintiff then and there duly excepted. And now comes the plaintiff by her attorneys, Lyons & Ritchie, and makes and files this her bill of exceptions, and have the same made a part of the record in the above-entitled cause.

I.

The plaintiff excepts to the order of the Court, sustaining the demurrer of defendant to the complaint

of plaintiff filed herein.

II.

The plaintiff excepts to the order and judgment of the Court [8] made and entered on the 16th day of October, 1914, dismissing said complaint and plaintiff's action, and awarding the costs of said action to the defendant.

Dated at Valdez, Alaska, this 21st day of October, 1914.

LYONS & RITCHIE,

Attorneys for Plaintiff.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Nov. 23, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy. [9]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Order Allowing Bill of Exceptions.

And now, to wit, on the 23d day of Novembre, 1914, the Court having had under consideration the settlement of the plaintiff's bill of exceptions, prepared in the above-entitled cause, and the same being in accord with the record in said cause:

IT IS NOW HEREBY ORDERED that the said exceptions, and each of them, are by the Court duly

allowed and settled, and such exceptions are hereby ordered filed and made a part of the record in said cause.

FRED M. BROWN,
District Judge.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Nov. 23, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy.

Entered Court Journal No. 8, page No. 436. [10]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Petition for Writ of Error.

Comes now Sadie Cotter, the plaintiff in the above-entitled cause, and says:

That on the 16th day of October, 1914, the Court made and entered judgment in favor of the defendant, and against the plaintiff in the above-entitled action, dismissing the complaint filed in said cause, and for the costs of said action to be taxed. That in said judgment and the proceedings had thereto prior, certain errors were committed to the prejudice of the said plaintiff, all of which will more fully and in detail appear in the assignment of errors, which is filed with this petition.

Wherefore, plaintiff prays that a Writ of Error may issue in this behalf out of the United States Circuit Court of Appeals for the Ninth Circuit, for the correction of errors so complained of, and that a transcript of the record, proceedings and papers in this cause, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings may be had as may be proper in the premises.

Dated at Valdez, Alaska, this 21st day of November, 1914.

LYONS & RITCHIE,
Attorneys for Plaintiff and Appellant.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Nov. 23, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy. [11]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Order Allowing Writ of Error.

On this 23d day of November, 1914, came the plaintiff herein by her attorneys, Lyons & Ritchie, and filed herein and presented to the Court her petition praying for the allowance of a Writ of Error, and the assignment of errors to be urged by them; praying also

that a transcript of the record and proceedings and papers, upon which the order and judgment herein was rendered, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Judicial Circuit, and that such other and further proceedings may be had as may be proper in the premises.

Now, therefore, in consideration of the premises, and the Court being fully advised:

It is ordered that the aforesaid Writ of Error be, and the same is hereby allowed, upon the said plaintiff giving bond, according to law, in the sum of Two Hundred Fifty Dollars, conditioned for the payment of any judgment that may be obtained by defendant, and any damages he may sustain by reason of said appeal, which said bond shall operate as a supersedeas bond. And it is further ordered that a transcript of the record, papers, files and proceedings in this cause, duly authenticated, be sent to the said United States Circuit Court of Appeals for the Ninth Circuit.

Dated at Valdez, Alaska, this 23d day of November, 1914.

FRED M. BROWN,
District Judge.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Nov. 23, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy.

Entered Court Journal No. 8, page No. 436. [12]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Assignment of Errors.

Now comes the plaintiff in the above-entitled cause, and plaintiff in error herein, and by her attorneys Lyons & Ritchie, makes and files the following assignment of errors, on which she will rely in the prosecution of her writ of error in the above-entitled cause:

I.

The Court erred in making and entering its order, on the 16th day of October, 1914, sustaining the demurrer of the defendant, to the complaint filed by the plaintiff on the 13th day of August, 1914, and in deciding that said complaint does not state facts sufficient to constitute a cause of action in favor of plaintiff and against the defendant.

II.

The Court erred in making and rendering its order and judgment of the 16th day of October, 1914, wherein and whereby it is ordered and adjudged by the Court that plaintiff's complaint and action be dismissed upon the merits, and that defendant recover from said plaintiff his costs in said action.

For the reason that said judgment of dismissal is predicated upon the order of the Court made and entered on the 16th day of October, 1914, sustaining the general demurrer to plaintiff's complaint; and the Court erred in deciding that the plaintiff's complaint does not state facts sufficient to constitute a cause of action in favor of the plaintiff and against the defendant. And the plaintiff has elected to stand on said complaint. Whereas the said complaint does state a perfect cause of action. [13]

Wherefore, the appellant prays that the said order and judgment of the said District Court for the Territory of Alaska, Third Division, be reversed.

LYONS & RITCHIE,

Attorneys for Plaintiff and Appellant.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Nov. 23, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy. [14]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Order Fixing Amount of Bond on Writ of Error.

The plaintiff, Sadie Cotter, having this day filed her petition for a writ of error, from the decision and

judgment thereon made and entered herein, to the United States Circuit Court of Appeals for the Ninth Judicial Circuit, together with an assignment of errors within due time, and also praying that an order be made, fixing the amount of security which plaintiff should give and furnish upon said writ of error, and said petition having been allowed.

Now, therefore, it is ordered that upon the said plaintiff Sadie Cotter, filing with the clerk of this court, a good and sufficient bond, in the sum of Two Hundred and Fifty Dollars, to the effect that if the said plaintiff and plaintiff in error shall prosecute the said writ of error to effect, and answer all damages and costs, if she fails to make her plea good, then the said obligation to be void; else to remain in full force and virtue, the said bond to be approved by the Court, and that all further proceedings in this court be, and they are hereby suspended and stayed until the determination of said writ of error, by the said United States Circuit Court of Appeals for the Ninth Circuit.

Dated this 23 day of November, 1914.

FRED M. BROWN,
District Judge.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Nov. 23, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy.

Entered Court Journal No. 8, page No. 435. [15]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Bond on Writ of Error.

Know all men by these presents, that I, Sadie Cotter, as principal, and Samuel Blum and J. M. Lathrop, as sureties, are held and firmly bound unto Frank J. Cotter, the defendant in error, in the full and just sum of Two Hundred Fifty, to be paid to the said Frank J. Cotter, his heirs, executors, administrators, to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally firmly by these presents.

Sealed with our seals and dated this 23d day of November, 1914.

Whereas, lately in the District Court for the Territory of Alaska, in the Third Division thereof, in an action pending in said court between Sadie Cotter, plaintiff, and Frank J. Cotter, defendant, a judgment was rendered against the said Sadie Cotter; and the said Sadie Cotter having obtained a writ of error, and filed a copy thereof in the Clerk's office of the said court, to reverse the judgment in the aforesaid suit; and a citation directed to the said

Frank J. Cotter, citing and admonishing him to be and appear at a session of the United States Circuit Court of Appeals, for the Ninth Judicial Circuit, to be holden at the City and County of San Francisco, in the State of California, in said circuit, on or after the 22d day of November, 1914.

Now the condition of the above obligation is such, that if the said Sadie Cotter shall prosecute said writ of error to effect and answer all damages and costs that may be awarded against her, if she fails to make said appeal good, then this obligation to be void, otherwise to remain in full force and virtue.

SADIE COTTER,

By JOHN LYONS,

Her Agent. [16]

SAMUEL BLUM,

Surety.

J. M. LATHROP,

Surety.

Signed, sealed and delivered in the presence of

E. E. RITCHIE.

T. P. GERAGHTY.

Approved by

FRED M. BROWN,

District Judge.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Nov. 23, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy.
[17]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Writ of Error [Original].

The President of the United States of America, to
the Honorable FRED M. BROWN, Judge of
the District Court, for the Territory of Alaska,
Third Judicial Division, Greeting:

Because in the record and proceedings, as also in
the rendition of the judgment of a plea which is in
the said District Court, before you, or some of you,
between Sadie Cotter, plaintiff in error, and Frank
J. Cotter, defendant in error, manifest error hath
happened to the great damage of the said Sadie
Cotter, plaintiff in error, as is stated and appears
manifest and apparent in and by her petition herein.

We, being willing that error, if any hath been,
should be duly corrected, and full and speedy justice
done to the party aforesaid in this behalf, do com-
mand you, if judgment be therein given, that then
under your seal, distinctly and openly, you send the
record and proceedings aforesaid, with all things con-
cerning the same, to the Justices of the United States
Circuit Court of Appeals for the Ninth Circuit, in
the city of San Francisco, in the State of California,

together with this writ, so as to have the same at the city of San Francisco, in the State of California, on the 22d day of December, 1914, in the said Circuit Court of Appeals, to be then and there held, that the record and proceedings aforesaid being inspected, the said Circuit Court of Appeals may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States and of the Territory of Alaska should be done.

WITNESS the Honorable EDWARD DOUGLASS WHITE, Chief Justice of the Supreme Court of the United States, this 23d day of November, A. D. 1914. [18]

Attest my hand and the seal of the District Court for the Territory of Alaska, Third Division, in the Clerk's office at Valdez, Alaska, on the day and year last above written.

[Seal] ARTHUR LANG,
Clerk of the District Court for the Territory of
Alaska, Third Division.

By T. P. Geraghty,
Deputy.

Writ of Error allowed this 23d day of November, 1914.

FRED M. BROWN,
District Judge.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Nov. 23, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy. [19]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Writ of Error [Copy].

The President of the United States of America, to
the Honorable FRED M. BROWN, Judge of the
District Court, for the Territory of Alaska,
Third Judicial Division, Greeting:

Because in the record and proceedings, as also in
the rendition of the judgment of a plea which is in
the said District Court, before you, or some of you,
between Sadie Cotter, plaintiff in error, and Frank
J. Cotter, defendant in error, manifest error hath
happened, to the great damage of the said Sadie
Cotter, plaintiff in error, as is stated and appears
manifest and apparent in and by her petition herein.

We being willing that error, if any hath been,
should be duly corrected, and full and speedy justice
done to the party aforesaid in this behalf, do
command you, if judgment be therein given, that then
under your seal, distinctly and openly, you send the
record and proceedings aforesaid, with all things concerning
the same, to the Justices of the United States
Circuit Court of Appeals for the Ninth Circuit, in
the city of San Francisco, in the State of California,

together with this writ, so as to have the same at the city of San Francisco, in the State of California, on the 22d day of December, 1914, in the said Circuit Court of Appeals, to be then and there held, that the record and proceedings aforesaid being inspected, the said Circuit Court of Appeals may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States, and of the Territory of Alaska, should be done.

WITNESS the Honorable EDWARD DOUGLASS WHITE, Chief Justice of the Supreme Court of the United States, this 23d day of November, A. D. 1914. [20]

Attest my hand and the seal of the District Court for the Territory of Alaska, Third Division, in the Clerk's office at Valdez, Alaska, on the day and year last above written.

[Seal] ARTHUR LANG,
Clerk of the District Court for the Territory of
Alaska, Third Division.

By T. P. Geraghty,
Deputy.

Writ of Error allowed this 23d day of November, 1914.

FRED M. BROWN,
District Judge.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Nov. 23, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy. [21]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

**Order Extending Time in Which to File Records
in the United States Circuit Court of Appeals,
Ninth Circuit, on Writ of Error.**

This matter coming on to be heard on motion of the plaintiff, for an order extending the time, in which to file the records in the above-entitled cause, in the writ of error from the final judgment rendered in this court on the 16th day of October, 1914, to the United States Circuit Court of Appeals, for the Ninth Circuit, and it appearing to the satisfaction of the Court, that the time allowed in the writ of error is not sufficient time therefor.

It is therefore ordered, that the said Sadie Cotter, plaintiff in error herein, have to the 1st day of February, 1915, in which to have prepared the records in the above-entitled cause, on her writ of error heretofore issued in said cause, and to file the same in the said United States Circuit Court of Appeals, for the Ninth Circuit. Dated at Valdez, Alaska, this 23d day of November, 1914.

FRED M. BROWN,
District Judge.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Nov. 23, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy.

Entered Court Journal No. 8, page No. 435. [22]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Citation on Writ of Error [Original].

United States of America,
Territory of Alaska,—ss.

The United States of America, to Frank J. Cotter,
and S. O. Morford, His Attorney of Record,
Greeting:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be held in the city and county of San Francisco, in the State of California, within thirty days from the date of this writing pursuant to a writ of error, which is filed in the Clerk's office of the District Court for the Territory of Alaska, Third Division, wherein Sadie Cotter is the plaintiff in error, and you, Frank J. Cotter, are the defendant in error, and to show cause, if any there be, why the judgment in said writ of error should not be corrected and speedy justice should not be done to the parties in that behalf.

WITNESS the Honorable EDWARD DOUGLASS WHITE, Chief Justice of the Supreme Court of the United States, this 23d day of November, 1914, and of the Independence of the United States, the one hundred and thirty-ninth.

[Seal] FRED M. BROWN,
Judge of the District Court for the Territory of
Alaska, Third Division.

ARTHUR LANG,
Clerk of the District Court for the Territory of
Alaska, Third Division.

By T. P. Geraghty,
Deputy.

[Endorsed]: Filed in the District Court for the
Territory of Alaska, Third Division. Nov. 23, 1914.
Arthur Lang, Clerk. By T. P. Geraghty, Deputy.
[23]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Citation on Writ of Error [Copy].

United States of America,
Territory of Alaska,—ss.

The United States of America to Frank J. Cotter,
and S. O. Morford, His Attorney of Record,
Greeting:

You are hereby cited and admonished to be and

appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be held in the city and county of San Francisco, in the State of California, within thirty days from the date of this writing pursuant to a writ of error, which is filed in the Clerk's office of the District Court for the Territory of Alaska, Third Division, wherein Sadie Cotter is the plaintiff in error and you, Frank J. Cotter, are the defendant in error, and to show cause, if any there be, why the judgment in said writ of error should not be corrected and speedy justice should not be done to the parties in that behalf.

Witness the Honorable EDWARD DOUGLASS WHITE, Chief Justice of the Supreme Court of the United States, this 23d day of November, 1914, and of the Independence of the United States, the one hundred and thirty-ninth.

FRED M. BROWN,

Judge of the District Court for the Territory of
Alaska, Third Division.

[Seal]

ARTHUR LANG,

Clerk of the District Court for the Territory of
Alaska, Third Division.

By T. P. Geraghty,
Deputy.

[Endorsed]: Filed in the District Court for the
Territory of Alaska, Third Division. Nov. 23, 1914.
Arthur Lang, Clerk. By T. P. Geraghty, Deputy.
[24]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

**Acknowledgment of Service of Papers on Writ of
Error in the Above-entitled Cause.**

I, the undersigned, S. O. Morford, attorney of record for the defendant in the above-entitled cause, hereby accept service, in the matter of the Writ of Error, issued out of the above-entitled court, in said cause, on the 23d day of November, 1914, by receiving copies of the original files and records as follows, to wit:

Bill of Exceptions.

Order Allowing and Approving Bill of Exceptions.

Assignment of Error.

Petition for Writ of Error.

Order Allowing Writ of Error.

Writ of Error.

Order Fixing Amount of Bond on Writ of Error.

Bond on Writ of Error.

Order Extending Time in Which to File Records in
the United States Circuit Court of Appeals,
Ninth Circuit.

Citation on Writ of Error.

Dated this 2d day of December, 1914.

S. O. MORFORD,

Attorney for Defendant and Defendant in Error.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Dec. 8, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy. [25]

*In the District Court for the Territory of Alaska,
Third Division.*

No. 684.

SADIE COTTER,

Plaintiff,

vs.

FRANK J. COTTER,

Defendant.

Praeipie for Transcript of Record.

To the Clerk of the Above-entitled Court:

You will please make, certify and transmit forthwith to the United States Circuit Court of Appeals for the Ninth Circuit, at San Francisco, California, a copy of the record in the above-entitled cause, as a return to the Writ of Error, heretofore sued out of said Circuit Court of Appeals, to review the judgment of said cause, which record shall consist of the following files and records, to wit:

Complaint.

Demurrer.

Order Sustaining Demurrer and Dismissing Action;

Exception to Said Order by Plaintiff, and Allowance of Said Exception by Court.

Bill of Exceptions.

Order Settling Bill of Exceptions.

Petition for Writ of Error.

Order Allowing Writ of Error.

Assignment of Errors.

Order Fixing Amount of Bond.

Bond for Costs and Supersedeas on Writ of Error.

Writ of Error and Copy.

Order Extending Time to File Writ of Error in Circuit Court of Appeals.

Citation and Copy of Citation.

Acknowledgment of Service of Papers on Writ of Error.

This Praecipe.

LYONS & RITCHIE,

Attorneys for Plaintiff and Plaintiff in Error.

[Endorsed]: Filed in the District Court, Territory of Alaska, Third Division. Dec. 8, 1914. Arthur Lang, Clerk. By T. P. Geraghty, Deputy. [26]

*In the District Court for the Territory of Alaska,
Third Division.*

Certificate of Clerk U. S. District Court to Record.

United States of America,

Territory of Alaska,

Third Division,—ss.

I, Arthur Lang, Clerk of the District Court, Territory of Alaska, Third Division, do hereby certify that the above and foregoing, and hereto annexed 27 pages, numbered from 1 to 27, inclusive, are a full, true and correct transcript of the records and files

of the proceedings in the above-entitled cause, as the same appears on the records and files in my office;

That this transcript is made in accordance with the plaintiff's praecipe on file herein.

I further certify that the foregoing transcript has been prepared, examined and certified to by me and that the cost thereof, amounting to \$12.15, was paid to me by Messrs. Lyons & Ritchie, attorneys for the plaintiff and plaintiff in error herein.

In witness whereof I have hereunto set my hand and affixed the seal of this court at Valdez, Alaska, this 14th day of December, A. D. 1914.

[Seal] ARTHUR LANG,
Clerk of the District Court for the Territory of
Alaska, Third Division. [27]

[Endorsed]: No. 2532. United States Circuit Court of Appeals for the Ninth Circuit. Sadie Cotter, Plaintiff in Error, vs. Frank J. Cotter, Defendant in Error. Transcript of Record. Upon Writ of Error to the United States District Court of the Territory of Alaska, Third Division.

Filed December 24, 1914.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Meredith Sawyer,
Deputy Clerk.

